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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3366 of 2021

1 - Pushparaj Shukla S/o Surendra Shukla, Aged About 30 Years R/o. Village Tara, Post Tara, Police Station And Tahsil Premnagar, District Surajpur Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh

2 - Collector-Cum- Land Acquisition Officer, Surjapur, District Surajpur Chhattisgarh.

3 - Sub Divisional Officer, Premnagar, District Surajpur Chhattisgarh.

4 - General Manager, Parsa Coal Block (Adani Mines), Rajasthan Electricity Board, Surajpur, District Surajpur Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Ms. Divya Sahu appears on behalf of Shri Rajeev Kumar Dubey, Advocates.
For State/respondent	:	Ms. Akansha Verma Dabadker, PL.
For Respondent No.4	:	Shri Nirmal Shukla, Senior Advocate with Shri Dinesh Kumar Bole, Advocates.

Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

09/10/2026

1. Learned counsel for the petitioner submits that land of the petitioner was acquired by the respondent authorities, however, petitioner has not been paid adequate compensation as well as benefit of rehabilitation,

employment along with interest @ 12 % from the date of acquisition until total grant of compensation, therefore, this petition has been filed for the following reliefs:-

> *10.1 That, this Hon'ble Court may kindly be pleased to allow the petition filed by the petitioner and be pleased to make an order to direct the respondent authorities particularly the respondent No.2 to grant the compensation for the land which has been acquired and also to grant the benefits, which are granted under the New Act-2013, which grants the benefit of rehabilitation and also to grant the land to affected persons, three times of the land, which has already been acquired from the affected persons as well as the benefit of employment and along with the interest @ 12% from the date of acquisition until the total grant of compensation.*
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> *10.2 That, the Hon'ble Court may kindly be pleased to grant any other relief, as it may deems fit and appropriate.*

2. Learned counsel for the petitioner submits that under the new act i.e. Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (for short "**The Act of 2013**") , respondents are under obligation to grant not only compensation but also the benefit of rehabilitation to the affected persons, further they are also required to grant land to affected persons that too three times the size of land, along with interest @ 12 % from the date of acquisition until total grant of compensation.
3. Learned counsel for the petitioner submits that since till date neither benefit of rehabilitation or employment has been provided to the petitioner, as such this petition has been filed.
4. On the other hand, learned counsel for the State submits that land of the

petitioner was acquired way back in the year 2011 and award thereof was passed on 12.08.2011 and entire compensation including solatium has been paid to the petitioner. It is vivid from the award that compensation in respect of house, tubewells, trees, has been paid to the petitioner. She further submits that award was passed under the Land Acquisition Act, 1894 (for short "**The Act of 1894**") and as such, petitioner cannot claim compensation including rehabilitation, benefit of employment etc on the basis of Act of 2013.

5. Learned Senior counsel for Respondent No.4 submits that the petitioner has suppressed this fact that the petitioner had also filed a writ petition on earlier round of litigation which travelled till writ appeal.

6. Learned Senior counsel submits that at the first instance, similar situated petitioners had filed **WPC No.1183 of 2013 {*Devnath Singh and Others vs. State of Chhattisgarh and Others*}** praying earliest disbursement of compensation awarded to them by award dated 12.08.2011. The said petition was finally disposed off on 12.08.2013 with direction to respondent authorities to make payment of compensation to petitioners within 3 months. Thereafter, the said petitioners filed a **Contempt Case (Civil) No.34 of 2014** {***Rajaul Mustfa and Others vs. Dr. S Bharti Dasan and Another***}. He submits that at the time of hearing on 19.09.2014, it was submitted that the respondents have honoured the direction passed by this Court vide order dated 12.08.2013 and respondents were discharged from the contempt proceedings.

7. Learned Senior counsel submits that in the contempt proceedings it was admitted by the petitioners that they have received compensation, despite

of which, petitioner along with others persons had filed **WPC No.709 of 2019 {*Sureshdas vs. State of Chhattisgarh and Others*} along with other connected matters.** In the said case, name of the petitioner is reflected at Serial No.34 and petitioner in that petition sought the same relief as he is seeking in this petition, he submits that the said petition got dismissed on 01.08.2025 by coordinate Bench of this Court. Against which, petitioner moved a **Writ Appeal bearing No.748 of 2025 {*Suresh Das and Others vs. State of Chhattisgarh and Others*} and other connected matters,** in which name of the petitioner is reflected at Serial No.23. He submits that the said appeal was also dismissed on 27.10.2025.

8. Learned Senior counsel lastly submits that the petitioner has not disclosed the chain of events properly and thereby suppressed material facts.

9. I have heard counsel for the parties, considered their rival submissions and perused the petition carefully.

10. From a perusal of the award dated 12.08.2011, it is evident that the acquisition proceedings were conducted under the provisions of the Act of 1894. The record further indicates that the petitioner has received compensation in respect of the acquired land, including the compensation payable for the house, tubewells and trees situated thereon.

11. The principal question for consideration is whether the petitioner is entitled to claim additional compensation and the benefits of rehabilitation, resettlement and employment under the Act of 2013 in

respect of the acquisition in question. This issue has already been considered by a coordinate Bench of this Court in **W.P.(C) No. 709 of 2019 and connected matters**, titled ***Sureshdas v. State of Chhattisgarh and Others*.** While dealing with the claim for additional compensation and the applicability of the Act of 2013, the coordinate Bench observed in paragraphs 16 to 19 as follows:

> ***16.*** *The petitioners, in these petitions, have not challenged the award passed by the Land Acquisition Officer dated 12.8.2011; rather, they have sought a direction to the respondent authorities to make payment of adequate and proper compensation with interest @ 15%. The petitioners have claimed proper compensation; therefore, their contention with regard to Section 5A of the Act, 1894, would not be maintainable. They are not firm on their stand with regard to Section 5A of the Act, 1894.*
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> ***17****. With regard to provisions of Section 24 of the Act, 2013, the Hon'ble Supreme Court in the matter of* ***Indore Development Authority vs. Manoharlal and Others {(2020) 8 SCC 129}****, in para 366.3, held that the word "or" used in Section 24(2) between possession and compensation has to be read as "nor" or as "and". It is held that the deemed lapse of land acquisition proceedings under Section 24(2) of the Act, 2013, takes place where, due to inaction of the authorities for five years or more prior to the commencement of the said Act, the possession of land has not been taken or compensation has not been paid. In other words, in case the possession has been taken but compensation has not been paid, then there is no lapse. Similarly, if compensation has been paid, possession has not been taken, then there is also no lapse. Para 366.3 reads thus*
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> *"366.3. The word 'or used in Section 24(2) between possession and compensation has to be read as 'nor' or as*

'and'. The deemed lapse of land acquisition proceedings under Section 24(2) of the Act of 2013 takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse."

***18**. In the present case, the compensation was paid to the petitioners, and it was accepted by them. And this fact has been pleaded by the petitioners in writ petitions; therefore, according to the provisions of Section 24(2) of the Act, 2013, the acquisition proceedings would not lapse.*

***19.** The award was passed in accordance with the provisions of the Act, 1894, and thereafter, compensation amounting to Rs.113,40,59,363/-was deposited with the Land Acquisition Officer through the Collector, Surajpur on 26.11.2013. Thus, the right accrued in favour of respondent No.2. Respondent No.2 approached the authorities for mutation and accordingly, a direction was issued in the month of January 2019 by respondent No. 2 to initiate mutation proceedings. Further, the petitioners could not prove that they are still in possession of the acquired property.*

12. The aforesaid findings are relevant to the controversy involved in the present case. The acquisition award was passed on 12.08.2011 under the Act of 1894, and the petitioner has already received compensation pursuant to the said award. The petitioner has also failed to disclose any legally sustainable ground warranting reconsideration of the issue in light of the provisions of the Act of 2013. The mere assertion that

rehabilitation, employment and other benefits have not been extended does not, by itself, establish an entitlement to such benefits under the subsequent enactment in respect of an acquisition completed under the earlier statute.

13. More importantly, the record reveals that the petitioner had earlier approached this Court in W.P.(C) No. 709 of 2019, seeking substantially similar reliefs. The said petition was dismissed on 01.08.2025, and the writ appeal preferred against the said decision was also dismissed on 27.10.2025. Despite the conclusion of the earlier proceedings, the petitioner has instituted the present petition without disclosing the complete particulars of the previous litigation and its outcome.

14. It is a settled principle of law that a litigant seeking relief under the extraordinary writ jurisdiction of this Court is under an obligation to make a full and frank disclosure of all material facts, particularly those relating to previous proceedings concerning the same subject matter. Suppression of material facts and successive proceedings seeking substantially identical reliefs cannot be encouraged. In the present case, the petitioner has failed to satisfy this obligation.

15. In view of the foregoing discussion, this Court finds no ground to entertain the present petition, particularly when the petitioner has already pursued earlier proceedings seeking substantially similar reliefs and has failed to disclose the material facts relating thereto.

16. Accordingly, the writ petition is **dismissed**. However, considering the facts and circumstances of the case, no costs are imposed. The petitioner

is cautioned that any repetition of such conduct in future may invite appropriate action in accordance with law.

Sd/-

(Amitendra Kishore Prasad)
Judge

Avinash